

Fresno, California

August 24, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Jon Ruiz, Assistant City Manager
Jim Sanchez, Chief Assistant City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor David Finster, First Congregational Church, gave the invocation, and President Castillo led The Pledge of Allegiance.

APPROVE MINUTES:

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of August 17, 2004, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

ARTICLE IN FRESNO BEE THIS DATE ON THE ROEDING BUSINESS PARK - COUNCILMEMBER DUNCAN

Councilmember Duncan noted the article talked about some of the success that is starting to be seen at the business park and congratulated Redevelopment Agency Chair Boyajian, Executive Director Fitzpatrick and Vice Chair Sterling on the success and years of hard work and added more good things would be seen in the future.

E-MAIL SENT TO CITY MANAGER REGARDING CONSOLIDATION OF THE FIRE DEPARTMENT AND AIRPORT FIRE DEPARTMENT - COUNCILMEMBER DAGES

Upon question, City Manager Hobbs stated he followed up on the e-mail, sent Council an update, and had a meeting last week with the fire, police and airports departments on the issue, and advised he would be reporting within the next week the results of the meeting and recommendations.

TRANSFER OF LANDSCAPING MAINTENANCE FUNCTION FROM PARKS & RECREATION TO PUBLIC WORKS - COUNCILMEMBER CALHOUN

Councilmember Calhoun noted concerns were raised last week by some council members and he wanted a follow-up report on whether the transfer was completed and if there were any staff concerns, with Interim Public Works Director Kirn responding to the issue and the transition at length and submitting a memo to Council on the issue, a copy of which is on file in the office of the city clerk.

NEED TO (1) SPRAY THE OLIVE TREES AT BUTLER AND PEACH AVENUES, AND (2) FURTHER ADDRESS HUNTINGTON BOULEVARD MEDIAN ISLAND LANDSCAPING NEEDS - COUNCILMEMBER DAGES

Councilmember Dages advised for the past eight years he has asked parks and recreation to spray the olive trees and they have refused to do so and he hoped public works would spray the trees, with Interim Public Works Director Kirn responding. Relative to his request to staff last week to address the landscaping on the Huntington Boulevard median island, Councilmember Dages advised all staff did was mow the grass and they needed to go back and address the problem, with City Manager Hobbs responding.

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APPROVE AGENDA:

(1-E) RESOLUTION - 15TH AMENDMENT TO AAR 2004-209 AUTHORIZING THE LOAN OF \$170,000 FROM UGM PARK ZONE 7 TO UGM PARK ZONE 4 TO FINANCE THE PURCHASE OF A PARK SITE AT THE NORTHEAST CORNER OF W. GETTYSBURG AND N. VISTA AVENUES

Removed from the agenda at the request of staff; to be rescheduled.

(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(“B”) DIRECT CITY MANAGER TO RETAIN A MANAGEMENT AND/OR AUDIT FIRM TO IDENTIFY BEST PRACTICES BENCHMARKS FOR THE REDEVELOPMENT AGENCY AND RECOMMEND KEY ELEMENTS TO INCREASE EFFICIENCIES OF THE OPERATION, WITH THE CITY MANAGER TO RETURN WITH A RECOMMENDATION OF A FIRM ON OR BEFORE SEPTEMBER 21, 2004 - PRESIDENT CASTILLO (JOINT ACTION)

Councilmember Boyajian stated he wanted to remove the item from the agenda as he had no idea what it was all about, he felt this matter should have gone through the RDA Chair or Vice Chair, and he felt this would be best dealt with by the new council next year if this was the direction they wanted to go adding it was an important issue and he hated to see it made into a political one.

A motion of Councilmember Boyajian, seconded by Councilmember Duncan, to table Item 2:30 p.m. “B” to January, 2005, failed, by the following vote:

Ayes	:	Boyajian, Dages, Duncan
Noes	:	Calhoun, Perea, Sterling, Castillo
Absent	:	None

On motion of Acting President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Gloria Torrez stated consent items were not routine and needed to be discussed/voted upon separately; relative to Items **1-C** and **1-F** noted the vehicles being purchased were not natural gas and questioned why natural gas was being imposed on FAX and not on other departments; on **1-H** spoke in opposition to money being taken from FAX and given to someone else; on **1-K** questioned where the federal grant money was going and stated she was disappointed with a lot of these issues and FAX money going elsewhere and reiterated better and improved transit services were needed.

Barbara Hunt, 2475 S. Walnut, spoke to the importance of and to various issues related to Items **1-D**, **1-E**, **1-H** and **1-M**.

Items **1-A** and **1-G** were pulled for discussion/action under “CONTESTED CONSENT CALENDAR” scheduled for 10:30 a.m.

(1-B) AWARD AN EIGHT-MONTH INTERIM CONTRACT TO ALLSTAR FIRE EQUIPMENT, INC., FOR FIREFIGHTING PROTECTIVE GARMENTS THROUGH APRIL 30, 2005, UNTIL THE CURRENT PROPOSAL PROCESS IS COMPLETED AND AN AWARD IS MADE

(1-C) AWARD A ONE-YEAR REQUIREMENT CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, IN THE AMOUNT OF \$215,146.57 TO FREEDOM FORD TRUCK CENTER OF FRESNO FOR SECTION "A", HALF-TON PICKUP TRUCKS WITH GASOLINE ENGINES; AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, IN THE AMOUNT OF \$216,498.38 TO HEDRICK'S CHEVROLET OF CLOVIS FOR SECTION "B", HALF-TON PICKUP TRUCKS WITH GASOLINE/ELECTRIC HYBRID ENGINES

(1-D) **RESOLUTION NO. 2004-289** - 12TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$2,3124,300 FOR THE PURPOSE OF UGM REIMBURSEMENTS FROM AVAILABLE FUNDS TO APPROVED DEVELOPERS

(1-F) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, FOR ONE-TON CAB AND CHASSIS TRUCKS TO FREEDOM FORD TRUCK CENTER, INC. OF FRESNO IN THE AMOUNT OF \$224,704.43

(1-H) APPROVE RECOMMENDATIONS BY THE COUNCIL OF FRESNO COUNTY GOVERNMENTS RELATED TO THE DRAFT HIGH-SPEED RAIL ENVIRONMENTAL IMPACT REPORT

(1-I) **RESOLUTION NO. 2004-290** - INTENT TO ANNEX FINAL TRACT NO 5370 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 77, AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 28, 2005

(1-J) REMOVED FROM THE AGENDA

(1-K) APPROVE AN AMENDMENT TO THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PROMPT PAYMENT TO SUBCONTRACTORS PROVISIONS TO CONFORM WITH REVISED REGULATORY REQUIREMENTS

1. RESOLUTION NO. 2004-291 - ESTABLISHING A GOAL OF 10 PERCENT (10%) FOR DBE PARTICIPATION IN U.S. DEPARTMENT OF TRANSPORTATION (DOT) ASSISTED PROJECTS/CONTRACTS FOR THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), FEDERAL AVIATION ADMINISTRATION (FAA), AND FEDERAL TRANSIT ADMINISTRATION (FTA) FOR 2004-2005

(1-L) APPROVE REAPPOINTMENTS OF KENDALL GROOM AND JENNETTE WILLIAMS TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

(1-M) **BILL NO. B-79** - AMENDING DIVISION 1/ARTICLE 1 OF CHAPTER 13 OF THE FRESNO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS (2001 CALIFORNIA BUILDING STANDARDS CODE)

On motion of Councilmember Acting President Perea, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(2-A) REQUEST FOR COUNCIL DIRECTION REGARDING ADDITIONAL COUNCIL REVIEW TIME OF REQUEST FOR PROPOSALS (RFPs)

OPTION 1 - PROVIDE THE RFP EVALUATION COMMITTEE REPORT AND THE SUMMARY OF PROPOSER INFORMATION TO COUNCIL 4 DAYS EARLIER THAN THE CURRENT PRACTICE

OPTION 2 - PROVIDE THE RFP AGENDA ITEM (STAFF REPORT), INCLUDING THE REPORT FROM THE RFP EVALUATION COMMITTEE AND THE SUMMARY OF PROPOSER INFORMATION TO COUNCIL 10 DAYS PRIOR TO ITS CONSIDERATION AT A COUNCIL MEETING

General Services Director Nerland reviewed the issue and options contained in the staff report as submitted and responded to questions of President Castillo relative to what the process and the 75-day window period, what a bid, RFP and RFQ were, and what the criteria was and if project size mattered in determining whether to issue an RFP or RFQ.

Councilmember Calhoun stated he did not understand why this was necessary and why extra time was needed, stated the current system worked and noted if there was any problem the issue could always be sent back to staff, and stated he felt extra time would make the whole process more difficult.

Councilmember Dages advised the SMG contract issue was his reason behind wanting more time, stated intelligent decisions could not be made on Tuesday on a 3-inch document that is received late Friday when Council has questions for staff and needs to absorb information, and stated although he wanted 7 days he would support 10 and made a motion to approve Option 2, which motion was seconded and acted upon after further brief discussion. Councilmember Sterling stated she agreed with Councilmember Dages' points but she felt 10 days was too long and she supported Option 1. City Manager Hobbs offered an Option 3 in which staff would recognize major projects or bids and automatically allow Council extra time to review the matter.

Barbara Hunt, 2475 S. Walnut, spoke in support of having additional time.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, Option 2 as outlined above hereby approved, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea
Noes	:	Calhoun, Sterling, Castillo
Absent	:	None

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(2-B) APPROVE THE ACQUISITION OF AN EASEMENT ON THE SOUTHEAST CORNER OF E. SHAW AND N. CEDAR AVENUES FROM MOFFITT & ZANARDI, LLC, FOR \$60,045 (APN 430-080-61, 430-080-62 AND 430-080-50)

Interim Public Works Director Kirn reviewed the issue as contained in the staff report as submitted, **(2 - 0)** explained the timing issue involved and stated the city needed to move forward, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition. Councilmember Calhoun briefly left the meeting at 9:21 a.m.

On motion of President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the acquisition of an easement on the southeast corner of E. Shaw and N. Cedar Avenues from Moffitt & Zanardi, LLC, for \$60,045 hereby approved, and the Interim Public Works Director authorized to sign the documents on behalf of the City, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	Calhoun

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(4-A) REQUEST FOR UPDATE ON THE APPRENTICESHIP PROGRAM - COUNCILMEMBER DAGES

Councilmember Calhoun returned to the meeting at 9:22 a.m. Councilmember Dages spoke to the history of his requests to staff starting back in July 2003 for a report on establishing a mandatory apprenticeship program, the timeline commitments and the delays; expressed his frustration and stated all he was trying to do was have apprentices on city projects; stressed if the city was going to talk Regional Jobs Initiative (RJI) training was needed; and stated he wanted to make this mandatory and was told it already was but the staff report showed it was not and elaborated. Assistant Public Works Director Elam, chair of the ad hoc group that studied the issue, responded and spoke to the city's current requirements, what the group studied, and how they felt the city and the RJI group needed to build a pool of candidates/trainees and elaborated.

Barbara Hunt, 2475 S. Walnut, spoke in support of an apprenticeship program.

Councilmember Dages read from the minutes of 9/30/03, Council's direction to city and agency staff on a 6-1 vote to prepare a city/agency regulation policy for an apprenticeship program for city/agency/public works projects and return with a recommended policy within 60 days; expressed his concern with staff not implementing council direction, and along with President Castillo questioned what options were available to Council when staff does not follow direction given, with Chief Assistant City Attorney Sanchez responding. Acting President Perea stated he understood Councilmember Dages' frustration and stated administrative staff seems to pick and choose what policy they want to implement, stated it sounded like council does not have a lot of legal authority to implement policy and it was very frustrating sitting as an elected city official in charge of setting public policy, and questioned if Council had the authority at a minimum to take a vote of "no confidence" in the city manager and the administration, with Mr. Sanchez responding.

City Manager Hobbs stated he did not accept comments made and felt this was an artificial construct, referencing the topics in the report stated he did not think there was agreement on the policy issues and explained, clarified he liked staff's approach to the issue in working with the RJI, the private sector and Mr. Whipple stating that was a more effective way to come at it, stated he did not accept comments relative to staff not following council direction and he felt this was an honest difference in policy, noted he worked for the Mayor and his job was to carry out the philosophy and direction of the Mayor on matters, and stated if there was disagreement on an issue he hoped he would respond clearly back to council on what staff's position was.

President Castillo stated Council needed to send a strong message that when council gives direction that is the administration's marching orders, and stated if the administration does not want to follow direction they needed to say so so Council can move to the next step or let the issue die. Upon question of President Castillo, Councilmember Dages stated he did not think a third direction/motion would do any good, he would sit back and see if something comes forth like the city manager stated, and added Council's dissatisfaction had been presented, he hoped the Mayor was listening and would give direction to get this done, and thanked Council for their support.

Mr. Elam accepted responsibility for not having been dutiful in reporting back each time but stated he would never accept the accusation that staff was not committed to building an apprenticeship program and clarified at issue was an honest way on how to go about doing that, and stated he truly believed the city currently had a good program in place and advised over 600 apprentices worked on the stadium and hundreds more have worked on many other city projects. Councilmember Dages stated the bottom line was nowhere did it state it was mandatory and that was what he wanted. Interim Public Works Director Kirn stated staff would work with the city manager to try to address Councilmember Dages' concerns. Upon question of Mr. Hobbs, Councilmember Dages stated he wanted a *mandatory* apprenticeship program. Councilmember Calhoun noted he originally supported past direction but clarified in no way would he accept a mandatory program as many nuances were involved, noted he had past experience with apprenticeship programs and he was supportive of them, and stated he believed Councilmember Dages was taking past direction much further than it originally was and cautioned everyone to be careful.

Councilmember Dages made a motion to direct the city attorney to draft an ordinance establishing a mandatory apprenticeship program for city projects. Mr. Sanchez stated staff would go back and look at issues and prepare an ordinance in compliance with legal standards and bring it back within 30 days as a draft. Upon question of Councilmember Calhoun, Mr. Sanchez stated the motion was appropriate under the Brown Act. Upon request, City Clerk Klisch read into the record the motion made in September 2003, President Castillo noted there was no mention of a *mandatory* program, and Mr. Hobbs added staff's work with the RJI was definitely in keeping with the spirit of that motion.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the city attorney directed to return with a draft ordinance establishing a mandatory apprenticeship program, by the following vote:

Ayes	:	Boyajian, Dages, Perea, Sterling
Noes	:	Duncan, Castillo
Absent	:	None
Abstain	:	Calhoun

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(9:25 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION

APPEARANCE BY BARBARA HUNT REGARDING THE SPHERE OF INFLUENCE (SOI) EXPANSION

Appearance made.

APPEARANCE BY ERIK WARDWELL, 467 N. SAN PABLO, THANKING COUNCILMEMBER STERLING AND HER STAFF ON A HOUSING PROGRAM AND HOME RESOURCE CENTER

Appearance made.

APPEARANCE BY ED HARRIS, 5158 N. NINTH, REGARDING CITY PRIORITIES, FUNDING, AND THE IMPORTANCE OF PEOPLE'S WELFARE VERSUS ECONOMICS

Appearance made.

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(9:30 A.M.) UPDATE AND DISCUSSION ON SAN JOAQUIN RIVER CONSERVANCY ISSUES AND AGENDA ITEMS - COUNCILMEMBER CALHOUN

Councilmember Calhoun, Mayor's appointee to the San Joaquin River Conservancy **(3 - 0)**, gave an overview of the Conservancy, its members and their task, and along with Melinda Marks, Executive Officer of the San Joaquin River Conservancy, and Dave Koehler, Executive Director of the San Joaquin River Parkway and Conservation Trust, spoke to the two issues before the Conservancy Board: the River Ranch Estates development and the Governor's California Performance Review Commission's report and recommendations, all as contained in Councilmember Calhoun's report to Council as submitted, and also addressed the Performance Review and implications if enacted, the difference between the Conservancy and the San Joaquin River Parkway Trust, and the amount of monies the Conservancy has used to purchase property.

Proceedings were briefly interrupted to address the following matter:

(10:30 A.M.) CONTESTED CONSENT CALENDAR ITEMS:

President Castillo noted Council was running behind schedule and the following action was taken.

On motion of President Castillo, seconded by Acting President Perea, duly carried, RESOLVED, Contested Consent Calendar items to be heard at 2:00 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

Proceedings continued on the 9:30 a.m. item.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Duncan strongly cautioned Council about developing any kind of resolution in terms of maintaining the Conservancy, and stated the reality was the Governor was responding to a dismal state budget and he felt the Performance Review Commission did an excellent job of putting aside the special interests and the Commission's recommendations deserved to go through the process and get a fair evaluation and elaborated.

Councilmember Calhoun thanked Ms. Marks and Mr. Koehler for attending this date and for all the work they do to help advance the river and surrounding areas, and stated he strongly disagreed with Councilmember Duncan and advised he would bring something back to Council for action in the future. There was no further discussion.

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(9:50 A.M.) RESOLUTION NO. 2004-292 - EXPRESSING SUPPORT OF HR BILL NO. 3729 EXTENDING A BELATED THANK YOU TO THE MERCHANT MARINES FROM WORLD WAR II IN CONJUNCTION WITH HR BILL NO. 3729

Councilmember Dages gave a brief overview of the issue and requested Council's support for the resolution, and read a statement into the record on the service provided by the Merchant Marines of World War II and to the benefits HR 3729 would provide.

Speaking further to the issue and urging Council's support of the resolution were: Rufus Hernandez, President, Central California Chapter of the Merchant Marine Veterans, 1733 S. Willow; Barbara Hunt, 2475 S. Walnut; Jack Splivalo, 1547 W. Normal; Gene Kelly, 8418 N. Del Mar; Raymond Goglia; Fred Lewis, 1448 Ashcroft, Clovis; and Bob Small, staff assistant to Congressman Radanovich.

Mr. Hernandez presented each member of the Council with a Merchant Marine hat which he stated was a collectors item. **(4 - 0)** A motion and second was made to adopt the resolution and Council members thanked and honored the veterans and spouses for their service and bravery.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2004-292 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:00 A.M. #1) REQUEST FOR UPDATE ON THE “NO NEIGHBORHOOD LEFT BEHIND” (NNLB) PROGRAM - PRESIDENT CASTILLO

President Castillo stated he wanted an update because of the direction this program was headed; referenced the earlier on Council’s will being continuously under attack by the administration in that Council gives direction, it is not followed and/or is changed, and stated this issue was a perfect example as Council gave direction on a 5-2 vote to move forward with the NNLB program with the work to be done in-house because staff stated more work could be done and there would be a huge savings to the city and elaborated; expressed his concern with the Mayor’s decision to conduct a NNLB Pave Off stating it was typical of this administration to do something else; spoke to a meeting between the Mayor’s office and several contractors who convinced the Mayor a Pave Off was appropriate and questioned how a 5-2 vote could get to the Mayor taking it upon himself to spend taxpayer dollars to put out an RFP so that, in his opinion, the private sector could make a profit; noted Lyles Diversified and Granite Construction attended the Mayor’s meeting and it was his understanding they were pre-selected to submit bids and stated he had a real concern with that as this administration had the same responsibility as Council to do the public’s business out in the open; advised he had a meeting with the FBI last Thursday and he invited them to attend this meeting because he wanted to make sure it was clear the action that was being suggested went against the will of this Council and dollars were being expended without Council consent; and requested staff give an update on the status of the program including the equipment, hiring of staff, and the bonds.

City Manager Hobbs stated he disagreed with the way President Castillo initially constructed this issue; stated the program was moving forward and one of the issues that keeps coming up from within the community was that the city look again at the idea of solely using city crews to complete the project and the debate of who could do the work faster/better/cheaper was a debate that has been going on for some time; stated staff gave council good numbers and he believed the award winning city crews could do the work faster/better/cheaper but he could not prove that; stated staff’s commitment to Council was the same, the program would be carried out, and the Pave Off approach might even accelerate the program as more players would be out there doing more work simultaneously; advised an evaluation panel would be put together to evaluate the competition and look at cost/customer service/responsiveness/quality of work and report back who is faster/better/cheaper and he looked forward to that; clarified staff was not bidding out the entire project; gave an update on the equipment, acknowledged there was a difference of opinion relative to how to carry this out, clarified the Mayor sat in a different seat and this approach represented a way in which to bring critical sectors of the community together and he felt this approach would give the city a win-win; clarified staff would be coming back to Council for the award of competitive bids on these contracts; and stated it was clear Council sets policy and appropriations for this program and it was the job of the administration to execute policy and execute in the most economical way possible. Upon question of President Castillo, Mr. Hobbs stated the money for the RFPs would come from the program funds.

Lengthy discussion ensued. Acting President Perea requested Mr. Hobbs forgive him if he did not believe him; stressed this was no longer about fixing neighborhoods and saving taxpayer dollars but was about telling the truth, the amount of special interest influence that exists within City Hall, and process; noted Council and the Mayor already determined how they wanted to move forward on this but stated after a couple of months and a couple of phone calls from some powerful individuals the Mayor was no longer standing by his side and he could no longer believe the Mayor; emphasized the argument of who could do it cheaper was already held, he argued against Councilmember Duncan’s item based on the information given to him by staff, staff or the Mayor was now coming back and flip-flopping, and stated bottom line was he was being lied to, city staff or the Mayor were liars, and he was sick and tired of the games being played; spoke to reports/information he had from staff and outside individuals/entities on savings by doing the work in-house and the city doing work cheaper; reiterated this was no longer about saving money but was about the integrity of the process; noted he argued very hard on behalf of public works because he believed in them and because the Mayor was standing by his side but stated the Mayor left and it was going to be hard for him in the future to take seriously anything city staff brings to him; and stated when this comes back he would not support the Mayor’s position on bidding this competitively because he felt the Mayor was trying to circumvent the process this council already put forward.

Councilmember Duncan stated he was very pleased and proud of the Mayor for moving his issue forward; relative to Acting President Perea’s comments stated he only agreed with one part, the influence of special interests, and stated FCEA would be considered as one of those special interests; stated this was not that complicated and was about trying to make sure the taxpayer gets the best value for their dollar; and requested an explanation of the requirements contract process referred to in the Mayor’s memo and questioned if the city would look at a system with a more level playing field instead of building in a lot of barriers to the private sector to keep them from being competitive, with Interim Public Works Director Kirn responding.

Councilmember Duncan stated this was about fairness and Council members should relish this opportunity to compare if they have confidence in city staff's ability to compete; stated they should not try to condemn the Mayor and make outrageous and unbelievable accusations about what the Mayor is trying to do stating that was out of line; stated the Charter indicates the Mayor and Mr. Hobbs had the authority to do exactly what they are doing, they were within their legal authority, and it was their fiduciary responsibility to make sure that when massive amounts of city money is being spent that it is done in the best way; and stated this was something ultimately Council could decide when the final result comes back and he hoped the decision to do it or not would be made on what is the best value for the taxpayer and not based on support for some special interest whether that be a private or public sector.

Councilmember Sterling spoke to the issue of outside contractors and stated they are used on a regular basis because projects are so large and outside help is needed, and questioned when projects are put out to bid and if outside contractors would have an opportunity to participate in the NNLB program, with Mr. Hobbs responding, clarifying issues, and speaking to why the Pave Off was introduced. Councilmember Sterling stated the private sector would not be left out and elaborated, expressed her concern that city crews have to "prove themselves" emphasizing they have already proven themselves and are doing the job, and also stated the Mayor had gone in another direction.

Councilmember Boyajian stated process was the issue and homework should have been done back at the beginning; noted Council went through this same thing with the stadium project; expressed concern with the Pave Off coming here three months later and stated a vote was made, Council direction was being circumvented and a monarchy was being built here and elaborated expressing his strong concern; and concluded stating the Strong Mayor form of government did not work. Chief Assistant City Attorney Sanchez spoke briefly to the form of government and to the city manager and council's authorities. Councilmember Boyajian stressed Council approved a program and decided who would carry it out and questioned how the administration could change that **(5 - 0)** policy without anyone's knowledge. Upon question of President Castillo, Mr. Sanchez stated matters had to come back to the Council if and when services are affected or decreased. Mr. Hobbs stated he was disappointed at some of the extreme rhetoric, stated he understood Council's disagreement/disappointment with staff coming back and saying they wanted to try a little different approach for one year to see if it works better but clarified there was no hiding of this approach, and relative to homework stated numbers were not being changed and they were good but he could not prove it, the debate has continued, and staff was proposing a Pave Off to determine who does this faster/better/cheaper.

Acting President Perea stated staff has been consistent relative to the significant risk of losing the amount of inner-city neighborhoods that would be improved; stated as the Mayor continues this experiment the city is playing Russian-roulette, every time Council flip-flops on a vote they weaken themselves, and stated at the end of the day the administration finds its strength among the Council's divisiveness; and stated when this comes back Council will have more time to debate all of that and he would be ready.

Councilmember Dages spoke to how the program came about and to the "bickering" about city union or private union and how that was not an issue at this point as the city was chosen; stated staff coming forth with this Pave Off proposal was also frustrating to him; noted it was a proven fact that the private sector needed to show a profit and city crews did exemplary work as they have been doing it for so long; and clarified he would not take the work away from the city and put it into the private sector and expressed concern with going through a whole process again and spending \$200,000 to find out the city can do this better.

Controller/Finance Director Quinto, Assistant Public Works Director Dilley, Mr. Hobbs and Mr. Kirn responded to questions of President Castillo relative to status of the bond issue and timeline, if the financing team has to stop their work when issues/discussions like this take place, amount spent to date on the financing team and cost for delays, if there would be a savings in the cost of the bonds if the work is completed in 5 years instead of 6, if streets staff ever had an opportunity to sit down with the private sector and compare a job they did and what the results showed, if the results/documents showing city staff was cheaper were shared with the city manager, if the city manager ever saw that information, if streets would have an opportunity to bid against the private sector and ask council to not award the bid to anyone because the city's bid shows it is lower, if streets staff ever billed the Council President's office for infrastructure work change orders, delays, and overtime, and if Mr. Kirn ever sent any correspondence to the city manager during this process stating this would not be a good idea and would be bad for morale.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; an unidentified gentleman who agreed with Acting President Perea's comments that this was not about saving money anymore; and Marina Magdalena, Local 39, opposed to the Pave Off.

Brief discussion ensued on the ability to make a motion and take action, give direction, and give direction in a formal motion, with Mr. Sanchez clarifying issues. President Castillo gave direction to staff to cease moving forward on the privatization of the NNLB projects based on the financial implications this could have. Mr. Sanchez stated there were a couple of issues associated with the motion and explained, whereupon President Castillo stated he would forego giving direction today and directed the city clerk to place an action item on the agenda next week giving the administration clear direction as to council's wishes regarding the privatization of the projects.

Councilmember Boyajian stated the issue was not about privatization but about implementing what council voted for. President Castillo agreed but clarified he wanted to give clear direction to the financial team that there should be no delays in moving forward with the issuance of the bond and to the administration to not spend any of the dollars earmarked for NNLB. Mr. Sanchez stated he would work with President Castillo to develop a title/action item (line item list of issues) for the agenda. There was no further discussion.

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LUNCH RECESS - 12:19 P.M. - 2:03 P.M.

(10:30 A.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-A) AWARD A CONTRACT TO PRINCIPAL DECISION SYSTEMS INTERNATIONAL FOR THE ACQUISITION AND INSTALLATION OF AN AUTOMATED STAFF SCHEDULING SOFTWARE PURCHASE

Councilmember Calhoun stated he wanted to make sure the department was getting the biggest bang for its buck and presented questions relative to whether the system was adequate for the fire department and how the police department's system worked and why they did not purchase this one, with Chief Bruegman and Chief Dyer responding and clarifying issues. Upon request, Systems Application Division Manager Haugan spoke to the system and why it would not interface with the police departments'. City Manager Hobbs responded to questions relative to whether he looked at the system and was comfortable with it.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract with Principal Decision Systems International for automated staff scheduling software and support service hereby approved, the Fire Chief authorized to execute said agreement and renew the maintenance contract at his discretion, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

(1-G) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT (FUSD) TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES TO THIS EDUCATIONAL ENTITY FOR FISCAL YEAR 2005

Councilmember Calhoun stated he felt this matter needed to be reviewed each time, noted city resources were limited and he wanted to make sure the department was not spreading itself too thin and neglecting its fundamental mission to the citizens of this city, **(6 - 0)**questioned why the city was subsidizing the cost of these 7 officers, advised the district had to eliminate some of their security personnel due to their budget woes, and clarified he was sensitive to the school district but was also sensitive to the fact that they had a school Board and funding source and added the city of Fresno was not the provider of all services, with Chief Dyer responding. Councilmember Calhoun requested Council think about sending a message to the district that the city wants to help but grants may go away and they needed to pay more.

A motion and second was made to approve staff's recommendation. Chief Dyer responded to questions of Councilmember Duncan relative to whether these were contract or regular officers and if there was any other organization where the city charged for the deployment of an officer on a regular assignment. Councilmember Duncan stated the 50% partnership worked well, this was a good program, he would assume calls for service were lower, and the schools deserved this service. Councilmember Calhoun stated he would support this this time but stated unless he sees some incremental increase for next year he would not support it stating the city can not afford this kind of subsidy and added separate boards/separate funding agencies had to take care of their institutions.

On motion of Councilmember Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the Police Department authorized to enter into a contract with the Fresno Unified School District to provide School Resource Officer services to this educational facility, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(10:00 A.M. #1) NO NEIGHBORHOOD LEFT BEHIND PROGRAM

City Manager Hobbs noted a heated debate took place earlier on this issue and stated he believed he and Mayor Autry were publicly called “liars” and requested a public apology if he was correct.

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(10:00 A.M. #2) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 71, FINAL TRACT MAP 5220
1. RESOLUTION NO. 2004-293 - ANNEXING TERRITORY
2. RESOLUTION NO. 2004-294 - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION NO. 2004-295 - DECLARING ELECTION RESULTS
4. BILL NO. B-80 - ORDINANCE NO. 2004-80 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Interim Public Works Director Kirn reviewed the issue as contained in the staff report as submitted and recommended approval.

Dana Smith, Vice President, Spencer Enterprises, 4974 E Clinton #200, advised he was present to answer any questions on this matter and the following related matter.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-293, 2004-294 and 2004-295 hereby adopted, and the above entitled Bill No. B-80 adopted as Ordinance No. 2004-80, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(10:00 A.M. #3) RESOLUTION NO. 2004-296 - APPROVING THE FINAL MAP OF TRACT NO. 5220, SOUTHEAST CORNER OF E. BUTLER AND S. VILLA AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

Supervising Engineering Technician Sommerville reviewed the issue as contained in the staff report as submitted and recommended approval.

Dana Smith, Vice President, Spencer Enterprises, advised he was present to answer any questions.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-296 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement, the Statement of Covenants Affecting Land Development for Landscape Maintenance, the Statement of Covenants Affecting Land Development for Temporary Storm Drainage Facilities, and the Statement of Covenants Affecting Land Development for Maintaining Existing Historic Olive Trees; and the Planning and Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the Time of Issuance of Certificate of Occupancy and Creation of Lien, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(10:05 A.M.) HEARING ON REZONE APPLICATION NO. R-04-033 AND ENVIRONMENTAL FINDINGS, FILED BY QUAD KNOPF ON BEHALF OF KIYOKO UYENO, 1999 TRUST AND PLEASANT VALLEY INVESTMENTS, LLC, SOUTH SIDE OF W. MCKINLEY BETWEEN N. CORNELIA AND N. BLYTHE AVENUES WITHIN THE WEST AREA COMMUNITY PLAN IN DISTRICT 3

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-33/TPM-2004-11/T-5321 FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO, 10130
2. **BILL NO. B-81 - ORDINANCE NO. 2004-81** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Brock reviewed the issue as contained in the staff report as submitted and recommended approval.

Kevin Fabino, Quad Knopf, thanked staff for all their assistance through the process.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Mr. Fabino and Ms. Brock responded to questions and comments of Councilmember Boyajian relative to what extras the developer was doing for the project, if they were installing a sidewalk to McKinley School and paying towards traffic signals for the school, if a traffic study and EIR was conducted, concern with traffic congestion, and McKinley and Cornelia improvements. President Castillo briefly left the meeting at 2:41 p.m. Councilmember Boyajian thanked the developer for what he was doing but stated he would not support the project as there was no growth plan for the area and no rationalization. Councilmember Sterling spoke in support of the issue stating this would put the project into conformance with the general plan, advised traffic signals for the school were being looked at to address the safety issue, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the Environmental Finding of Conformity for Environmental Assessment No. R-04-33/TPM-2004-11/T-5321, dated July 12, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-81 rezoning the project site adopted as Ordinance No. 2004-81, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling
Noes	:	Boyajian
Absent	:	Castillo

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(2:00 P.M.) PRESENTATION BY THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE, WITH DISCUSSION AND DIRECTION AS NEEDED

City Manager Hobbs noted bike lanes versus parking spaces was still an issue and requested suggestions on how to bridge the two. President Castillo returned to the meeting at 2:44 p.m.

Steve Lewis, Vice, Bicycle and Pedestrian Advisory Council (BPAC), gave a PowerPoint presentation which included the role of the BPAC and covered issues relative to the 2004 Regional Transportation Plan, the 2025 General Plan Purpose & Goals, Operation Clean Air, the Landscape of Choice, the Bicycle Transportation Plan, BPAC Charter and Accomplishments, and BPAC's goals.

Gloria Torrez expressed concern with another group starting up, stated things have been promised for transit since 1998 that have not happened, and stated better/improved transit services were needed.

Councilmember Dages thanked the committee and relative to his position on bike lanes clarified he supported them except in older areas where they take away parking from businesses. Councilmember Calhoun spoke to the bike lanes versus business/constituent parking and his support for bike lanes, and suggested the committee look at the other models that are out there and how they handled that issue, with Mr. Lewis responding and speaking to the cities of Palo Alto and Davis' models and what they've done. Theresa Rogerson, BPAC member, spoke further to the issue of parking versus bike lanes and advised bike lanes in the downtown area was coming forth in the near issue and spoke to their outreach ideas.

Councilmember Sterling also thanked the committee and relative to small downtown businesses stated she supported bike routes instead of bike lanes and requested they be looked as they were more compatible for downtown businesses. **(7 - 0)** Councilmember Duncan stated he agreed with Councilmember Dages; stated using the city of Palo Alto as a model was not necessarily a bad idea but pointed out neither one of the two main business districts have eliminated parking for the sake of a bike lane; and stated businesses should not have to lose their parking for the sake of a person riding a bike occasionally and primarily for entertainment or recreational value and not shopping. President

Castillo thanked the committee and Mr. Elam and spoke to the importance of bike lanes for safety reasons. Councilmember Boyajian thanked public works for the bike lanes in his district and stated he hoped agreement could be reached for more bike lanes for health and recreational reasons. Mr. Lewis clarified the overarching principal here was safety, spoke to why bike lanes make bicyclists more comfortable, and spoke briefly to the problem of some motorists' attitude that they do not have to share the roads with bicyclists. There was no further discussion.

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(3-A) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: VELLUTINI CORP. V. COF, ICG TELECOM GROUP, INC, ET AL - SUPERIOR COURT CASE NO. 01-CE CG 00746

The City Council met in closed session in Room 2125 at the hour of 3:15 p.m. to consider the above issue and reconvened in regular open session at 3:24 p.m.

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(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council convened in joint session with the Redevelopment Agency at 3:25 p.m.

APPROVE AGENCY MINUTES OF JULY 27, 2004

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency Minutes of July 27, 2004, approved as submitted.

(“A”) COUNCIL RESOLUTION NO. 2004-297 - INITIATING AN AMENDMENT TO THE CONVENTION CENTER REDEVELOPMENT PLAN

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, and along with Executive Director Fitzpatrick and Chief Assistant City Attorney Sanchez responded to questions and comments of Councilmember Calhoun, President Castillo and Councilmember Sterling relative to language in the executive summary relative to eminent domain and if it was boiler plate language, if there was nothing unusual with this issue, comparing the current plan boundary with that being proposed, concern with the perception of changing the plan for the purpose of eminent domain, the lack of agreements for development and numerous related questions, concern with “gobbling up” land even though projects are down the road, meetings with property owners, if a PAC had been set up, if property owners in the area would be offered owner participation agreements (OPAs), if staff has had discussions with Wilson Motorcycle, and language in the resolution (“without limitations”) being strong language.

A motion and second was made to approve staff's recommendation. Upon question of Councilmember Duncan, Ms. Murphey stated what was before Council was at Council's direction and was not unusual, and spoke to the impact on the Forest City project if this is not approved. President Castillo questioned if an eminent domain policy was needed for this to move forward and why this was different from the Roeding Business Park, with Mr. Sanchez responding.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-297 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

DIRECTOR FITZPATRICK'S RESIGNATION ANNOUNCEMENT

Director Fitzpatrick announced he was resigning effective September 24, 2004, and submitted his letter of resignation, and spoke to his tenure as the Agency's director, to those he worked with over the past 7½ years, and to all that has been accomplished and to the over 100 projects moving through the system. Chair Boyajian and Councilmember Duncan stated Mr. Fitzpatrick would be missed a lot, stated he was a pioneer and spoke to his accomplishments and to what he has done for the city of Fresno (**8 - 0**), and wished Mr. Fitzpatrick and his family the best and stated the city will suffer if a person of Mr. Fitzpatrick's caliber is not retained

(“B”) DIRECT CITY MANAGER TO RETAIN A MANAGEMENT AND/OR AUDIT FIRM TO IDENTIFY BEST PRACTICES BENCHMARKS FOR THE REDEVELOPMENT AGENCY AND RECOMMEND KEY ELEMENTS TO INCREASE EFFICIENCIES OF THE OPERATION, WITH THE CITY MANAGER TO RETURN WITH A RECOMMENDATION OF A FIRM ON OR BEFORE SEPTEMBER 21, 2004 - PRESIDENT CASTILLO (JOINT ACTION)

President Castillo spoke to the evolvement of the RDA over the years as contained in his report to Council as submitted, stated regardless of how successful you are there is always room for improvement if you give yourself the opportunity to look at best practices, spoke to the UGM fee update issue and stated it was very telling the city and agency were not working together and explained, and made a motion to direct staff as outlined above, including a customer satisfaction survey.

Councilmember Duncan stated this item and the city manger being embellished with this responsibility was interesting considering the dialogue that occurred this morning about the personal qualities and characteristics of the city manager and mayor, and presented questions to the city manager relative to what the “key elements” were that he was being directed to look at and if he was comfortable that the direction provided the scope needed, with City Manager Hobbs responding. Councilmember Duncan referenced President Castillo’s statement in his memo relative to the action taken in June 2003 on the transitioning of city employees into RDA employees and pointed out this was a transition that was going to occur over many years through attrition and retirement and clarified as of this date there had been no change in the structure and it was exactly as it was one year ago, stated part of the premise for this was flawed because the information presented was incorrect, stated if this was going to be done it needed to be done right and some kind of criteria needed to be established so clear direction could be given to the city manager, stated he did not feel a change was necessary, stressed the potential downside to a change that was not proper was enormous and added just that fact that Council was doing this would send a wrong message to some of the major people the city was currently working with and if approved the RDA would be thrown into a bid world of uncertainty and some very important projects frozen, and urged the joint bodies to reject the motion on the floor and take the matter to an RDA committee consisting of three council members to establish the scope and criteria by which the best practices should be reviewed and then publicly debate the issue.

Councilmember Calhoun stated he was disappointed Director Fitzpatrick left and stated he had an outstanding relationship with him and it had been a pleasure and he enjoyed working with Mr. Fitzpatrick and his staff, stated this issue was a process issue and was very important, stated there had been changes as noted by President Castillo and change does not scare off developers, and stated Council had every right to tweak the way it does business and elaborated.

Chair Boyajian expressed his opposition; stated this morning a “no confidence” vote on the city manager and mayor was discussed and now the city manager, whom he stated had a biased opinion of placing the RDA under the city, was being given this responsibility; stated the leadership of the RDA, he and Vice Chair Sterling (along with another member) could look at the scope and parameters of what they feel is necessary as they deal with the RDA on a daily basis; and stated he had a problem at who would look at this and questioned who would pay for this study, with President Castillo stating RDA Airport area funds, or another appropriate source as determined by the city attorney and city manager, could be used and made that a part of his motion. Chief Assistant City Attorney Sanchez stated staff would look at all issues and report back, with President Castillo requesting that information come back along with the recommendation of a firm. Chair Boyajian stated this was not thought out very well and he would have supported an RDA sub-committee to look at the parameters and a firm.

President Castillo clarified this direction was not giving the city manager the responsibility of coming back to Council with recommendations as the recommendations would come from the firm that Council chooses and feels will best serve its needs, stated he disagreed that any major developer would stop all of a sudden just because the city was looking to implement best practices and see if it can do better with its resources, and relative to the recommendations that will come back clarified Council will be responsible for debating the issues and added keeping things as is may come back as an option and he did not see what the fear was. Chair Boyajian stated the Macias evaluation on the RDA was just conducted and the RDA came out excellent, he saw this as a political action and a waste of time and money, and stated this was sad for downtown development and all RDA areas, with President Castillo clarifying the Macias report was three years ago.

On motion of President Castillo, seconded by Acting President Perea, duly carried, **RESOLVED**, (1) the city manager directed to recommend management and/or audit firms to identify best practices benchmarks for the redevelopment agency and recommend key elements to increase efficiencies of the operation, to include a customer satisfaction survey, (2) the city manager to return with a recommendation of a firm on or before September 21, 2004, and (3) funding to come from the RDA Airport Area contingency fund or another source determined by the city attorney and city manager, by the following vote:

Ayes	:	Calhoun, Castillo, Perea, Sterling
Noes	:	Dages, Duncan, Boyajian
Absent	:	None

The joint bodies adjourned their meeting at 4:33 p.m. and the City Council reconvened in regular session. President Castillo and Councilmember Duncan left the meeting.

UNSCHEDULED COMMUNICATION:

APPEARANCE BY KATHLEEN ELIA, 3524 E. MONTECITO, REGARDING COMPLAINT FILED IN 1989 RELATIVE TO A STREET FLOODING PROBLEM AT HER RENTAL PROPERTY AT 4599 N. PROSPECT AVENUE

Appearance made with Ms. Elia submitting photographs for Council to look at.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:37 p.m. having arrived and hearing no objections, Councilmember Boyajian declared the meeting adjourned.

APPROVED on the ____31st____ day of ____August____, 2004.

_____/s/____ ATTEST: _____/s/____
Tom Boyajian, Councilmember Yolanda Salazar, Assistant City Clerk

